interests of the national security. This information is to the effect that:

a. During 1948 and 1949, you were a member of the Communist Party, an organization cited by the Attorney General of the United States in 1948 as subversive.

b. From 1949 to 1951, you were a member of the Labor Youth League, an organization cited by the Attorney General of the United States in 1950 as a Communist front.

c. From 1946 to 1948, you were a member of the American Youth for Democracy, an organization cited by the Attorney General of the United States in 1947 and 1948 as subversive and Communist.

d. In 1950 you were a subscriber to the "Worker", the Sunday edition of the "Daily Worker", a publication cited as "the chief journalistic mouthpiece of the Communist Party" by the Special Committee on Un-American Activities.

2. You are advised that you have the following choices and may elect one or more of the following actions:

a. Request, within 5 days from date of receipt, a personal appearance hearing before a "Field Board" with or without counsel. You will be furnished military counsel and may selected such counsel, if the individual is reasonably available. Civil counsel will be at your own expense. The "Field Board" will assist you in procuring witnesses who are reasonably available but you will not be entitled to reimbursement for expenses incurred incident to their appearance.

b. Rebut this letter in writing within 15 days from date of receipt, to include such documents as you desire to submit. You are advised that your failure to request a hearing before a "Field Board" may result in action under current regulations (SR 600-220-1), to effect your

discharge, with type of discharge to be determined by the Department of the Army.

5 c. Request retirement, if eligible, or elect discharge within 5 days from date of receipt of this letter. Should you elect discharge, the attached letter, inclosure 1, should be signed in the presence of an Officer of the Judge Advocate General's Corps, whose name and address will be furnished by the Chief of your Military District upon your request.

3. The Summary of Information, attached hereto, is furnished for your information and is marked "FOR OFFICIAL USE ONLY" solely for your protection. This notation in no way limits your use of this document but is intended to insure that the contents thereof are not unnecessarily divulged without your consent.

4. SR 600-220-1 sets forth complete procedure governing the processing of your case.

5. One of the actions indicated in paragraph 2 must be indicated in writing by you. Your reply will be made to the Chief, New York Military District.

BY ORDER OF THE SECRETARY OF THE ARMY:

Adjutant General

3 Incl.

1. Sample ltr, request for discharge from USAR
2. SR 600-220-1, w/Changes 1 & 2
3. Summary of Information

9 Filed May 21, 1956

EXHIBIT C

334 East 92nd Street
Brooklyn 12, New York

August 22nd, 1955

Recorder
First Army Field Board of Inquiry
Headquarters Fort Jay
Governors Island
New York 4, New York

Re: AGPR-F 201 Abramowitz, Howard D.
ER 51 137 600 (15 Jul 55)

Dear Sir:

Kindly be advised that I hereby elect, under Section 29 (c)(1) of SR 600-220-1, to submit this letter of rebuttal in lieu of appearance before a board, to wit, the hearing you have heretofore set herein for August 30, 1955.

I respectfully request that you kindly acknowledge, on or before August 26th, 1955, your receipt and acceptance of this letter of rebuttal in lieu of said hearing. In the event of your acknowledgment to such effect, a hearing will not be necessary.

I hereby set forth the following as and for my letter of rebuttal:

1. Respondent, Howard D. Abramowitz, honorably completed his active military service from October 15, 1951 to June 30, 1953, in recognition of which honorably completed active military service he duly obtained an honorable separation and was duly transferred to the Enlisted Reserve on June 30, 1953.

The letter of Allegations dated July 15, 1955 contains no allegations relating in any manner whatsoever to either

the period of respondent's active military service or the period since his honorable separation therefrom and his transfer to the Enlisted Reserve. Rather, the Letter of Allegations sets forth allegations which relate solely to dates and periods of time which antedate the commencement of respondent's active military service.

Thus, paragraph 1(a) of the Letter of Allegations specifies "During 1948 and 1949 . . ."; paragraph 1(b) thereof specifies "From 1949 to 1951 . . ."; paragraph 1(c) thereof specifies "From 1946 to 1948 . . ."; paragraph 1(d) thereof specifies "In 1950 . . .".

It is hereby submitted that, in view of the foregoing, the Letter of Allegations sets forth allegations which, on their face, are wholly irrelevant, immaterial and incompetent and have no bearing whatsoever upon respondent's lawful right to retain his present duly earned status as a member of the Enlisted Reserve.

2. The allegations set forth in the Letter of Allegations relate wholly to alleged personal and political beliefs and associations allegedly had by respondent prior to his active military service and prior to his honorable separation therefrom and his transfer to the Enlisted Reserve.

10 Said allegations of said alleged personal and political beliefs and associations on the part of respondent do not constitute lawful and proper grounds for the above proceeding seeking to deprive respondent of his duly earned present status as a member of the Enlisted Reserve. This proceeding, based on said allegations in the Letter of Allegations, constitutes unlawful, illegal and unconstitutional infringement upon, and deprivation and denial of, the rights guaranteed to respondent under the Constitution of the United States, and more particularly the First Amendment thereof.

WHEREFORE, respondent respectfully prays that he be retained in the Army Establishment as a member of the Enlisted Reserve.

.....

HOWARD D. ABRAMOWITZ

---

12 EXHIBIT D

SEAL

UNDESIRABLE DISCHARGE

From the ARMED FORCES of the
UNITED STATES OF AMERICA

THIS IS TO CERTIFY THAT Pvt Howard David Abramowitz, ER 51 137 600, ARTY, USAR, Ready Reserve, who was inducted 15 October 1951, relieved from active military service and transferred to the Army Reserve 30 June 1953 was Discharged from the Army of the United States on the 13th day of September 1955 as Undesirable

AR 604-10 applies

E. J. DELANEY
E. J. Delaney
Major, Adjutant General's Corps

13 Filed May 21, 1956

EXHIBIT E

DEPARTMENT OF THE ARMY
OFFICE OF THE ADJUTANT GENERAL
ARMY RECORDS CENTER
St. Louis 14, Missouri

AGAR-SR-201 Abramowitz, Howard D.
ER 51 137 600 (13 Apr 56)

9 May 1956

Mr. Howard D. Abramowitz
334 East 92nd Street
Brooklyn 12, New York

Dear Mr. Abramowitz:

In connection with your application, the Army Discharge Review Board, established under the authority of Section 301, Public Law 346, 78th Congress, approved 22 June 1944, has reviewed the type and nature of your separation from the service.

After a careful review of the entire case, the Secretary of the Army has directed that your request for a change in type or nature of separation be not favorably considered.

Sincerely yours,

DAVID H. ARP
David H. Arp
Colonel, AGC
Commanding

Copy furnished:
Mr. Victor Rabinowitz
Rabinowitz & Boudin
25 Broad Street
New York 4, New York

14 Filed June 11, 1956

Plaintiff's Motion for Summary Judgment

Now comes the plaintiff by his attorneys, and pursuant to Rule 56 of the Federal Rules of Civil Procedure, move the Court to enter summary judgment for the plaintiff on the ground that there is no genuine issue as to any material fact and the plaintiff is entitled to judgment as a matter of law. In support of this motion plaintiff refers to the entire record herein, including the pleadings and the affidavit submitted herewith.

/s/ David Rein
David Rein

/s/ Victor Rabinowitz
Victor Rabinowitz
Attorneys for Plaintiff

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15 Filed June 11, 1956

State of New York
City of New York
County of New York } ss.:

Howard D. Abramowitz, being duly sworn, deposes and says: I am the plaintiff in this matter. I make this affidavit in support of a motion for summary judgment.

The basic facts on which this motion is made appear in the complaint and this affidavit is merely supplementary to that complaint. As will appear, all of the matters to which reference is made are matters of record and there is no dispute with respect to any of the facts on which I rely for the relief requested in the complaint.

I am a citizen of the United States, having been born in the State of New Jersey on June 18, 1930. I was in-

ducted into the United States Army on October 15, 1951. I received my basic training at Camp Chaffee, Arkansas.

Early in 1952 I was shipped to the Far East and saw active service on the Eastern and East Central fronts in Korea from May 1952 to May 1953. During that period of time I was assigned to a field artillery unit and during part of that time, functioned as a crew chief. I received a Korean Service Medal with three service stars and a United Nations Service Medal for my service under fire.

16 Although I was originally inducted for a period of two years, the policy of the Army at the time was to separate Korean veterans from active service prior to the expiration of the two year period where possible. Accordingly I received an honorable separation from active service on June 30, 1953. Prior to this date no questions whatsoever had been raised with respect to my loyalty nor had it been suggested by anyone that I was in any respect at all a security risk.

Since my army service I have resumed my schooling and am now attending Brooklyn College. I expect to graduate with a Bachelor of Arts Degree in January 1957. I am majoring in psychology and it is my hope that I will be able to become a professional psychologist. Ultimately after some amount of practical experience in the field I would hope to teach. Most of the employment opportunities for psychologists are with government agencies. Most school systems in New York State now employ psychologists in connection with guidance and child welfare work. Most city, state and federal hospitals have psychologists on their staff. Substantially all state and city educational institutions teach courses in psychology. Many courts in the state have staff psychologists, particularly in criminal courts, domestic relations courts and children's courts.

It is in this area that my greatest opportunity for employment will lie. There are of course many private

institutions which likewise employ psychologists, but basically most of the work carried on in this field is carried on in institutions supported either in whole or in part by public funds.

It will be impossible for me to secure employment in any government supported institution and almost
17 impossible to secure employment in a private institution so long as my army records show that I received an undesirable discharge from the United States Army. Almost all application blanks both private and public as a matter of course contain questions concerning the applicant's military service. As a practical matter, pursuit of my chosen profession will be impossible so long as the present stigma attaches to my name.

There are of course many disabilities of an important financial nature which attach to anyone who secures an undesirable discharge from the United States Army.

I am advised that these matters will be discussed by counsel.

In addition, veterans with honorable discharges are entitled to many benefits under the laws of New York State which are not available to veterans with either a general or an undesirable discharge.

WHEREFORE, plaintiff respectfully requests that summary judgment be granted for the relief demanded in the complaint.

/s/ HOWARD D. ABRAMOWITZ

Sworn to before me this
5th day of June, 1956.
/s/ LUBA ARONOFF
Luba Aronoff
Notary Public, State of New York
No. 31-5107825
Qualified in New York County
Commission Expires March 30, 1958

18 Filed June 27, 1956

Answer

1. Defendant denies the allegations of paragraph one of the complaint.

2. Defendant admits the allegations of paragraph two of the complaint.

3. Defendant admits the allegations of paragraph three of the complaint.

4. Defendant admits the allegations of paragraph four of the complaint.

5. Defendant admits that on June 30, 1953 plaintiff received a certificate of honorable separation from active duty and that he was transferred, as the law provides, to the Enlisted Reserve. Except as admitted herein, the allegations of paragraph five of the complaint are denied.

6. Defendant admits the allegations of paragraph six of the complaint.

7. Defendant admits the allegations of paragraph seven of the complaint.

8. Defendant admits the allegations of paragraph eight of the complaint.

9. Defendant admits the allegations of paragraph nine of the complaint.

10. Defendant denies the allegations of paragraph ten of the complaint and alleges that the letter of July 15, 1955 attached to the complaint as Exhibit A speaks
19 for itself, and the Court is respectfully referred to it for the full meaning and purport thereof.

11. Defendant denies the allegations of paragraph eleven of the complaint.

12. Defendant denies that plaintiff has been or will be denied monetary benefits as a veteran under Federal legis-

lation by reason of his discharge from the Enlisted Reserve, and denies for lack of knowledge or information sufficient to form a belief the remaining allegations of paragraph twelve of the complaint.

13. Defendant denies the allegations of paragraph thirteen of the complaint.

14. Defendant denies the allegations of paragraph fourteen of the complaint.

Additional Defenses

First Defense

The Court does not have jurisdiction over the subject matter of this action.

Second Defense

Plaintiff has failed to exhaust the administrative remedies available to him.

Third Defense

The complaint fails to state a cause of action upon which the relief sought may be granted.

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21 Filed July 12, 1956

Motion by Defendant for Summary Judgment

Defendant respectfully moves the Court for summary judgment on the ground that there is no genuine issue as to any material fact and that defendant is entitled to judgment as a matter of law.

In support of this motion the Court is respectfully referred to the affidavits and exhibits which are attached hereto, and to defendant's accompanying memorandum of points and authorities in support of this motion and in opposition to plaintiff's motion for summary judgment.

38 Filed July 12, 1956

Affidavit

Department of the Army
The Pentagon
Washington 25, D. C.

A. L. Hougland, Lieutenant Colonel, United States Army, being duly sworn deposes and says:

I am the Recorder of the Army Security Review Board, Department of the Army, Washington 25, D. C., established under the provisions of General Orders No. 60, Department of the Army, dated 14 October 1955 and Army Regulations 604-10, dated 29 July 1955, as amended by Change 2, dated 12 June 1956. In this capacity I have access to the records of the Army Security Review Board. Examination of these records shows that the Army Security Review Board reviewed and considered the case of Howard D. Abramowitz on 9 September 1955 under the provisions of Army Regulations 604-10 and recommended that Howard D. Abramowitz be discharged from the United States Army with an Undesirable Discharge. At the time his case was considered, Howard D. Abramowitz was a member of a reserve component and the Army Security Review Board made its recommendation to discharge him under conditions other than honorable upon its findings as a board of officers convened by competent authority within the meaning of Section 249, Armed Forces Reserve Act of 1952; 66 Stat. 495.

This recommendation was forwarded to the Secretary of the Army who acted finally upon the case on 13 September 1955 with approval of the recommendation of the board with direction that Howard D. Abramowitz be discharged with an Undesirable Discharge.

/s/ A. L. Hougland
A. L. Hougland,
Lt. Colonel, GS, USA

COUNTY OF ARLINGTON
STATE OF VIRGINIA } ss:

Subscribed and sworn before me this 10th day of July 1956.

/s/ PETER S. WONDOLOWSKI
Peter S. Wondolowski,
Lt. Colonel, JAGC

Authorized to administer oaths by 50 USC 732

APPLICATION FOR CORRECTION OF MILITARY OR NAVAL RECORD
UNDER THE PROVISIONS OF SECTION 207 OF THE LEGISLATIVE REORGANIZATION ACT OF 1946, AS AMENDED
(See instructions on reverse side before completing application)

REQUEST RECEIVED 20 JUL 54
APPEARED, RECEIVED 20 NOV 54

BRANCH OF SERVICE
☒ ARMY ☐ NAVY ☐ AIR FORCE ☐ MARINE CORPS ☐ COAST GUARD

1. NAME (Last Name - First Name - Middle Initial)	2. RATE, RANK OR GRADE AT TIME OF ALLEGED ERROR OR MILITARY RECORD	3. SERVICE NUMBER
ABRAMOWITZ, Howard D.	PFC	ER 51-137-c00
4. NATURE OF DISCHARGE OR SEPARATION FROM SERVICE (If now on active duty, forward application through channels)	**5. PRESENT STATUS, IF ANY, WITH RESPECT TO THE ARMED SERVICES (Active duty, reserve, retired etc.)**	**6. DATE OF SEPARATION FROM SERVICE**
Undesirable Discharge		June 30,1955
7. ORGANIZATION AT TIME OF ALLEGED ERROR IN RECORD	**8. I DESIRE TO APPEAR BEFORE THE BOARD IN WASHINGTON, D.C. (No expense to the Government)** ☐ YES ☒ NO	**9. I WILL BE REPRESENTED BY COUNSEL (No expense to the Government)** ☒ YES ☐ NO
Reserves		
10. I DESIRE TO HAVE WITNESSES APPEAR IN PERSON IN SUPPORT OF THIS APPLICATION (No expense to the Government) ☐ YES ☒ NO	**11. NAME AND ADDRESS OF COUNSEL (If any)** VICTOR RABINOWITZ 25 Broad Street, New York 4, N.Y.	

12. WITNESSES AND NATURE OF TESTIMONY (Principal facts to which witness will testify)

NAME	ADDRESS	NATURE OF TESTIMONY

13. I REQUEST THE FOLLOWING CORRECTION OF ERROR OR INJUSTICE AND REQUEST PAYMENT OF ANY AMOUNTS FOUND TO BE DUE ON ACCOUNT OF SUCH CORRECTION

My undesirable discharge should be corrected to provide for an honorable discharge

14. I BELIEVE THE RECORD TO BE IN ERROR OR UNJUST IN THE FOLLOWING PARTICULARS

SEE RIDER

15. IN SUPPORT OF THIS APPLICATION I SUBMIT AS EVIDENCE THE FOLLOWING

RIDER to Questions 14 and 15

The determination that I be granted an undesirable discharge is in error and unjust because the conclusion reached by the Army is based on alleged activities of mine prior to my induction into the armed forces of the United States.

In the first place, all of these activities were legal and within my rights under the First Amendment to the Constitution. In the second place, the Army has no jurisdiction whatsoever over any pre-induction activities I may have engaged in. Even if my conduct were illegal or wrongful in any respect, the Army has no right to punish me for it.

It needs no argument to establish that the undesirable discharge granted me did amount to punishment.

The arguments in support of my position have been more fully stated in communications addressed by my counsel to the Army and by arguments presented by counsel to the Army Discharge Review Board, and this Board is respectfully referred to that record for further presentation of my position.

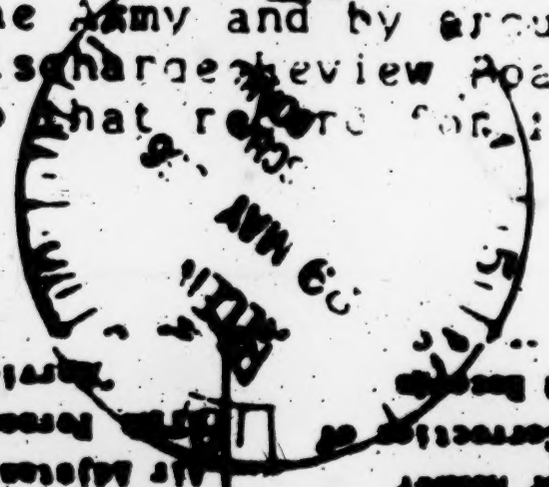
MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW

ARMY	NAVY AND MARINE CORPS	COAST GUARD	AIR FORCE
Army Board for Correction of Military Records Department of the Army Washington 25, D.C.	The Secretary of the Navy (Board for Correction of Naval Records) Navy Department	U.S. Coast Guard ATTN: Board Member Board for Correction of Coast Guard Records	Headquarters USAF Air Adjutant General Personnel Records Service Division

...ieral and within my rights under the First ...endment to the Constitution. In the second place, the Army has no jurisdiction whatsoever over any pre-induction activities I may have engaged in. Even if my conduct were illegal or wrongful in any respect, the Army has no right to punish me for it.

It needs no argument to establish that the undesirable discharge granted me did amount to punishment.

The arguments in support of my position have been more fully stated in communications addressed by my counsel to the Army and by arguments presented by counsel to the Army Discharge Review Board, and this Board is respectfully referred to that record for further presentation of my position.



Army Board for Correction of Military Records (Department of the Army Secretary as A.C.)	The Secretary of the Army (Board for Correction of Naval Records) Navy Department	U.S. Coast Guard ATTN: Senior Member Board for Correction of Coast Guard Records	Headquarters USAF Air Adjutant General (Personnel Records Service Division
ARMY	NAVY AND MARINE CORPS	COAST GUARD	AIR FORCE

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW

INSTRUCTIONS

1. FOR DETAILED INFORMATION [illegible] MAY 29 10 12
   Air Force Regulation 31-3
   Army Regulation 15-185
   Coast Guard, Code of Federal Regulations
   Title 14, Part 18
   Navy, NAVEXOS P-108, as revised

2. This form is to be submitted IN DUPLICATE.

3. Complete all items. If the question is not applicable, mark - "None".

4. If space is insufficient, use "Remarks" or attach additional sheet if necessary.

5. Various veterans and service organizations furnish competent counsel without charge.

6. List all attachments or inclosures.

7. ITEMS 8 through 12 - Personal appearance of applicant or his witnesses at hearing or representation by counsel is not required to insure full and fair partial consideration of applications under liberality for hearing. Such appearance and representations are permitted, at no expense to the Government when a hearing is authorized.

8. ITEM 24 - In order to justify correction of a military or naval record, it is necessary for the applicant to show to the satisfaction of the Board, or it must otherwise satisfactorily appear, that the alleged entry or omission is the record was in error or unjust. Evidence may include affidavits or signed testimony of witnesses, executed under oath, and a brief of arguments supporting application. All evidence not already included in your record must be submitted by you. The responsibility for securing new evidence rests with the applicant.

9. ITEMS 9 through 12 - Personal appearance of applicant or his witnesses at hearing or representation by counsel is not required to insure full and fair partial consideration of applications under liberality for hearing. Such appearance and representations are permitted, at no expense to the Government when a hearing is authorized.

10. This form is to be submitted IN DUPLICATE.

11. Complete all items. If the question is not applicable, mark - "None".

12. If space is insufficient, use "Remarks" or attach additional sheet if necessary.

13. Various veterans and service organizations furnish competent counsel without charge.

14. List all attachments or inclosures.

ARMY Board for Correction of Military Records

Q7

42 Filed Sep. 20, 1956

Stipulation

It is hereby stipulated that plaintiff's application to the Army Board for Correction of Military Records has been denied, and that plaintiff was notified of this fact by a letter dated September 7, 1956 from Colonel David H. Arp, a true copy of which is attached to and made part of this stipulation. It is further stipulated that this Stipulation and the attached letter shall be a part of the record in this case.

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43 Filed Sep. 20, 1956

DEPARTMENT OF THE ARMY
OFFICE OF THE ADJUTANT GENERAL
ARMY RECORDS CENTER
ST. LOUIS 14, MISSOURI

AGPR-F 201 Abramowitz, Howard D.
ER 51 137 600 (30 Aug 56)

Mr. Howard D. Abramowitz
334 East 92nd Street
Brooklyn 10, New York

Dear Mr. Abramowitz:

I have been requested by the Army Board for Correction of Military Records to make further reply to your request for correction of your Army records.

The administrative procedures established by the Secretary of the Army for the guidance of the Army Board for Correction of Military Records provide that the Board may deny an application where a sufficient basis for a review has not been established.

Following examination and consideration of your Army records, together with such facts as have been presented by you, the Army Board for Correction of Military Records on 1 August 1956 determined that insufficient evidence has

been presented to indicate probable material error or injustice. Accordingly, your application was denied.

You are privileged, at any time, to submit to the Board for consideration new and material evidence not previously considered.

Sincerely yours

DAVID H. ARP
David H. Arp
Colonel, AGC
Commanding

Copy furnished
Mr. Victor Rabinowitz
Attorney at Law
25 Broad Street
New York 4, New York

---

44 Filed Oct. 9, 1956

Order

This cause having been heard on cross motions for summary judgment, and it appearing that plaintiff who was discharged from the Army with an Undesirable Discharge brings this action against the Secretary of the Army to obtain judicial review of the character of the discharge given him, and that this Court lacks authority to review, control, or compel the granting of particular types of discharge certificate.

NOW, THEREFORE, it is hereby ordered that plaintiff's motion for summary judgment be and it hereby is denied; that defendant's motion for summary judgment be and it hereby is granted; and that the complaint be and it hereby is dismissed.

EDWARD M. CURRAN
District Judge

Dated Oct. 9, 1956

[fol. 23] IN UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 13587

HOWARD D. ABRAMOWITZ, Appellant,

v.

WILBER M. BRUCKER, Secretary of the Department of the Army, Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

OPINION—Decided April 26, 1957

Mr. Victor Rabinowitz, of the bar of the Court of Appeals of New York, *pro hac vice*, by special leave of Court with whom Mr. David Rein was on the brief, for appellant.

Assistant Attorney General Doub, Messrs. Oliver Gasch, United States Attorney, Paul A. Sweeney, Donald B. MacGuineas and Howard E. Shapiro, Attorneys, Department of Justice, submitted on the brief for appellee.

Before BAZELON, FAHY and DANAHER, Circuit Judges.

PER CURIAM: We are agreed that *Harmon* v. *Brucker*, —— U.S. App. D.C. ——, —— F. 2d —— (1957), is controlling here. If the question were open, Judge Bazelon would reverse for the reasons stated in his dissent in *Harmon* and Judge Fahy would wish to consider the question anew.

Affirmed.

[fol. 24] [File endorsement omitted]

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 13,587

April Term, 1957

C. A. 2140-56

HOWARD D. ABRAMOWITZ, Appellant,

v.

WILBER M. BRUCKER, Secretary of the Department of the Army, Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Before: BAZELON, FAHY and DANAHER, Circuit Judges.

JUDGMENT—April 26, 1957

This cause came on to be heard on the record from the United States District Court for the District of Columbia, and was argued by counsel for appellant and submitted on the brief for appellee.

On consideration whereof, It is ordered and adjudged by this Court that the judgment of the said District Court appealed from in this cause be, and the same is hereby, affirmed.

Dated: April 26, 1957.

Per Curiam.

[fol. 26] Clerk's Certificate to foregoing transcript omitted in printing.

[fol. 27] SUPREME COURT OF THE UNITED STATES
No. 1032, October Term, 1956

[Title omitted]

ORDER ALLOWING CERTIORARI—Filed June 17, 1957

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit is granted. The case is transferred to the summary calendar and assigned for argument immediately following No. 777.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

13. I REQUEST THE FOLLOWING CORRECTION OF ERROR OR INJUSTICE AND REQUEST PAYMENT OF ANY AMOUNTS FOUND TO BE DUE ON ACCOUNT OF SUCH CORRECTION

My undesirable discharge should be corrected to provide for an honorable discharge

14. I BELIEVE THE RECORD TO BE IN ERROR OR UNJUST IN THE FOLLOWING PARTICULARS

SEE RIDER

15. IN SUPPORT OF THIS APPLICATION I SUBMIT AS EVIDENCE THE FOLLOWING

SEE RIDER

16. APPLICANT MUST SIGN IN THE SPACE PROVIDED. IF THE RECORD IN QUESTION IS THAT OF A PERSON WHO IS DECEASED OR INCOMPETENT, SUBMIT PROOF OF DEATH OR INCOMPETENCY WITH ACCOMPANY APPLICATION. IF APPLICATION IS SIGNED BY SPOUSE, CHILD OR NEXT OF KIN OR LEGAL REPRESENTATIVE, INDICATE RELATIONSHIP OR STATUS IN APPROPRIATE BOX.

(Check which) ☐ SPOUSE ☐ CHILD ☐ NEXT OF KIN ☐ LEGAL REPRESENTATIVE ☐ OTHER (Specify)

17. I MAKE THE FOREGOING STATEMENTS, AS PART OF MY CLAIM, WITH FULL KNOWLEDGE OF THE PENALTIES INVOLVED FOR WILFULLY MAKING A FALSE STATEMENT OR CLAIM. (Sec. 2, Code, Title 18, Sec 287,1948, provides a penalty of not more than $10,000 fine or not more than 5 years imprisonment or both).

18. COMPLETE ADDRESS (Applicant should forward notification of all changes of address)	SERVICE NUMBER (Or any name or title number)
334 East 92nd Street, Brooklyn 10, N.Y.	56-668
19. DATE: May 23, 1956	20. SIGNATURE (Applicant must sign here) [signature]

DD FORM 149

PREVIOUS EDITIONS ARE OBSOLETE.

Encl 1 to Encl 3'

20